

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Truth-in-Billing  
and  
Billing Format

CC Docket No. 98-170

Petition for Temporary, Limited Waiver

Geetingsville Telephone Company, Inc. ("Geetingsville"),<sup>1</sup> by counsel, hereby seeks temporary, limited waiver of the Truth-in-Billing ("TIB") requirements established by the Federal Communications Commission ("Commission" or "FCC") in its First Report and Order and Further Notice of Proposed Rulemaking in the above-captioned matter.<sup>2</sup> Specifically, Geetingsville seek temporary waiver of the requirements of Section 64.2401(a)(2) regarding separating charges by service provider (the "TIB Separate Provider Requirement"), Section 64.2401(d) regarding disclosure of inquiry contacts (the "TIB Inquiry Contact Requirement"), and Section 64.2401(b) regarding description of charges (the "TIB Description Requirement") (collectively, the "TIB Requirements").<sup>3</sup> Geetingsville seeks this waiver until April 1, 2000.

<sup>1</sup> Attachment A contains the declaration of Steven Scott, General Manager of Geetingsville. The declaration bears a facsimile signature. The original signed declaration will be filed upon receipt by counsel.

<sup>2</sup> In the Matter of Truth-in-Billing and Billing Format, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 98-170, FCC 99-72, released May 11, 1999, 64 Fed. Reg. 34488 (June 25, 1999) ("TIB Order"); Errata, CC Docket No. 98-170, DA 99-2092, released October 6, 1999.

<sup>3</sup> In pertinent part, 47 C.F.R. § 64.2401(a)(2) states that "[w]here charges for two or more carriers appear on the same telephone bill, the charges must be separated by service provider. . . ." 47 C.F.R. § 64.2401(b), in turn, states that:

Charges contained on telephone bills must be accompanied by a brief, clear, non-

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Geetingsville, which is not a member of the United States Telecom Association ("USTA"), recognizes that a pending Petition filed by USTA<sup>4</sup> seeks similar relief for USTA member companies, and would not otherwise cover Geetingsville unless the relief sought was applied to all carriers as USTA has suggested.<sup>5</sup> Moreover, Geetingsville recognizes that a pending Joint Petition filed by the National Exchange Carrier Association, Inc., the National Telephone Cooperative Association (whose membership includes Geetingsville), and the Organization for the Promotion and Advancement of Small Telecommunications Companies, Inc. (collectively the "Associations") also seeks similar relief for their member companies. Accordingly, in the event that action on the USTA Petition and/or the Associations' Petition does not grant the extent of the relief requested herein, Geetingsville requests a waiver of the TIB Requirements until April 1, 2000.

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misleading, plain language description of the service or services rendered. The description must be sufficiently clear in presentation and specific enough in content so that customers can accurately assess that the services for which they are billed correspond to those that they have requested and received, and that the cost assessed for those services conform to their understanding of the price charged.

47 C.F.R. § 64.2401(d) states that:

Telephone bills must contain clear and conspicuous disclosure of any information that the customer may need to make inquiries about, or contest charges, on the bill. Common carriers must prominently display on each bill a toll-free number or numbers by which customers may inquire or dispute any charge contained on the bill. A carrier may list a toll-free number for a billing agent, clearinghouse, or other third party, provided that such party possesses sufficient information to answer questions concerning the customer's account and is fully authorized to resolve consumer complaints on the carrier's behalf. Each carrier must make its business address available upon request to consumers through its toll-free number.

<sup>4</sup> See Public Notice, DA 99-1616, released August 13, 1999.

<sup>5</sup> See Reply Comments of USTA, CC Docket No. 98-170, filed September 10, 1999  
at 2.

Until the requested waiver expires, Geetingsville will continue to work with its billing software vendor in order to have the necessary software changes made and tested in order to comply with the TIB Requirements. Moreover, even after the waiver expires, Geetingsville's customer representatives will continue to provide assistance to customers with questions concerning charges from particular carriers. Geetingsville respectfully submits that these actions will ensure that the underlying public interest objectives of the TIB Requirements will be advanced during the time that the requested waiver is in effect.

#### **I. Background**

Geetingsville provides exchange and exchange access services to approximately 500 lines in Indiana. Geetingsville is a rural telephone company under the Communications Act of 1934, as amended. Geetingsville uses Communications Data Group ("CDG") as its billing vendor. In July, 1999, Geetingsville requested assistance from CDG with respect to identifying what billing system software changes would be required to ensure TIB compliance. Like other carriers, Geetingsville has been concentrating efforts on addressing Year 2000 issues.

On November 3, 1999, CDG informed Geetingsville that compliance with the TIB Requirements would be an issue. As soon as this information was received, Geetingsville immediately investigated with CDG what specific TIB issues needed to be addressed, and what billing system software upgrades were required for compliance with the TIB Requirements. An estimated delivery date for the necessary software will, according to CDG, be provided soon. Once these upgrades are received, Geetingsville will then undertake appropriate testing to ensure that such compliance is achieved. However, because of the need to comply with other TIB rules by April

1, 2000,<sup>6</sup> Geetingsville also request a waiver until that date to comply with the TIB Requirements.<sup>7</sup> As explained below, the practical problems and existing billing software system limitations confronting Geetingsville associated with implementing the TIB Requirements make compliance by their November 12, 1999 effective date infeasible.<sup>8</sup>

**A. Compliance Issues with Respect to the TIB Separate Provider Requirement and the TIB Inquiry Contact Requirement**

The need for the waiver of the TIB Inquiry Contact Requirement arises from the billing services that Geetingsville renders to casual calling and alternate service providers (collectively referred to as "AOS providers"), *i.e.*, carriers other than the presubscribed "1+" carrier of the customer. Specifically, Geetingsville receives data from the AOS provider's clearinghouse, which, in turn, are aggregated in one section of Geetingsville's end user bill. This bill section may identify one or, at times, several different AOS providers based on the customer's decision to make a casual call or to use an alternative service provider in a given billing cycle. The charges that Geetingsville receives are sorted by customer, by date and time of that customer's usage, and by AOS provider.<sup>9</sup> Geetingsville's existing billing system software does not, however, place the AOS service provider's

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<sup>6</sup> See 64 Fed. Reg. 55163 (Oct. 12, 1999); see also Public Notice, DA 99-2030 (Sept. 30, 1999) and Public Notice, DA 99-1789 (Sept. 2, 1999).

<sup>7</sup> Geetingsville will supplement this filing once CDG confirms a delivery date for the software required to comply with the TIB Requirements.

<sup>8</sup> See n. 6, supra.

<sup>9</sup> Based on Geetingsville's experience, the vast majority of its customers do not make calls carried by an AOS provider. For example, based on a representative's month data, Geetingsville estimates that less than approximately two (2) percent of Geetingsville's customers made an AOS provider call, or typically less than 10 of the approximately 500 end user bills that Geetingsville renders in a given month.

toll free number on the bill. Accordingly, Geetingsville' existing software would require modifications to accommodate varying levels of screening and identification of an AOS provider, and to provide for the contact number of the AOS provider. These demands would, in turn, affect the processing time associated with rendering the bill.

With respect to the need for a waiver of TIB Separate Provider Requirement, Geetingsville' existing billing systems currently aggregates all non-recurring charges and credits in the local section of its bill. However, because Geetingsville provide "1+" billing and collection services for carriers, these carriers' non-recurring charges and credits are printed in the same section of the bill as the non-recurring charges and credits for local services offered by Geetingsville. Geetingsville notes, however, that each such charge and credit is labeled by carrier. As with the software required to comply with the TIB Inquiry Contact Requirement, Geetingsville is technically incapable of placing other carrier's non-recurring charges and credits in their respective section of the bill by November 12, 1999 in order to comply with the TIB Separate Provider Requirement.<sup>10</sup>

**B. Compliance Issue With Respect to the TIB Description Requirement**

The need for waiver also arises with respect to the charges that Geetingsville currently aggregates on its bills under the classification of "Other Services." Specifically, Geetingsville, through CDG, is in the process of modifying the software to provide a more itemized bill for local services, features, and functions. Currently, Geetingsville's billing system aggregates in its charges for "Other Services" various vertical services and features (e.g., custom calling features). Moreover, no description of these services and features is currently provided. Once the software modifications

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<sup>10</sup> See TIB Order at para. 31.

are completed to comply with the TIB Description Requirement, the bills will then need to be tested in an effort to ensure compliance with the FCC's standard that service descriptions must contain "brief, clear, non-misleading, plain language."<sup>11</sup> Geetingsville notes, however, that even in the absence of this additional bill detail Geetingsville has had minimal customer complaints regarding its charges for "Other Services."

Based on the efforts it has taken to date, Geetingsville has concluded that it will be technically infeasible for it to comply with the November 12, 1999 effective date of the TIB Description Requirement. Geetingsville anticipates, however, that it can complete the necessary software modifications and successfully test such software by April 1, 2000.

**II. Good Cause Exists for and the Public Interest will be Served by a Grant of this Limited Waiver**

Based on these facts and circumstances, Geetingsville respectfully submits that good cause exists for a grant of this limited waiver, and that the public interest will be served by such action. As demonstrated herein, Geetingsville' software vendor will not be able to develop the necessary software required to meet the TIB Requirements by this date. Moreover, even assuming the availability of the software upgrades, Geetingsville would not be able to successfully test such upgrades by November 12, 1999. Geetingsville anticipates, however, that compliance with the TIB Requirements should be possible by April 1, 2000. Accordingly, for the reasons stated, good cause exists for this waiver.<sup>12</sup>

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<sup>11</sup> 47 C.F.R. 64.2401(b).

<sup>12</sup> "The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest." WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969). Waiver of a Commission rule is appropriate where (1) the underlying

Geetingsville also respectfully submits that the public interest would be served by grant of this request. First, the Commission has recognized the need to balance the implementation of new regulatory directives which affect computerized systems with on-going Year 2000 activities.<sup>13</sup> The software changes required by Geetingsville clearly fall into this Commission-defined category. The Commission's concerns regarding utilization of its Year 2000 Policy Statement to "'forestall' or 'roll back' disfavored regulations, or use this policy for purposes of competitive advantage"<sup>14</sup> are not applicable here. Geetingsville is working with CDG toward TIB compliance and seeks only a limited extension of time that is otherwise consistent with the underlying objectives which justified the Commission-prescribed compliance date of certain other TIB rules. Accordingly, there is no basis to conclude that Geetingsville is attempting to "forestall" or "roll back" disfavored regulations. In addition, there is no "competitive advantage" associated with this request. A grant of this waiver does not affect a competitor of Geetingsville; rather it allows an interim measure to be implemented that allows continuation of existing billing arrangements in a manner consistent with the status of the overall TIB compliance efforts by Geetingsville.

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purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and grant of the waiver is otherwise in the public interest, or (2) unique facts or circumstances render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest, and there is no reasonable alternative. Northeast Cellular Telephone Co., L.P. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>13</sup> See In the Matter of Minimizing Regulatory and Information Technology Requirements That Could Adversely Affect Progress Fixing the Year 2000 Date Conversion Problem, Year 2000 Network Stabilization Policy Statement, FCC 99-272, released October 4, 1999 ("Year 2000 Policy Statement") at para. 15.

<sup>14</sup> Id. at para. 16.

Second, the Commission has already determined that the April 1, 2000 date is appropriate for implementing other TIB rules.<sup>15</sup> Accordingly, the ability of Geetingsville to continue to work toward the April 1, 2000 implementation date for all TIB rules would ensure efficiency and continuity in the necessary enhancements of its billing system capabilities without incurring unnecessary expenditures or jeopardizing Year 2000 compliance issues.

Third, the underlying goal of the TIB Requirements -- the ability of a customer to identify a carrier and make inquiry concerning a charge -- would not be frustrated by a grant of the requested waiver. As is done today, even after the requested waiver expires, Geetingsville will continue to provide its local telephone number on the bill in order to allow customers to contact Geetingsville about charges. Likewise, when a customer questions an AOS provider charge, Geetingsville will, at the customer's option, provide the AOS provider's toll free number or will seek to establish a three-way conference call with the AOS provider (or its billing clearinghouse) in order that the customer may address his/her concern about a charge. Accordingly, the goal of the TIB Requirements will be advanced. Waiver of the TIB Requirements as requested herein will merely maintain the status quo until such time as the billing system modifications are made and successfully tested, while effecting the goals of these requirements in an alternative manner.

Finally, Geetingsville notes that, in the absence of this limited waiver of the TIB Inquiry Contact Requirement, its ability to bill for isolated customer-originated traffic on behalf of AOS providers would be in jeopardy. Facing the risk of non-compliance with the TIB Inquiry Contact Requirement, Geetingsville may be forced to consider terminating its billing relationship with the

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<sup>15</sup> See n. 6, supra.



AOS providers. This, in turn, may increase the cost to the AOS provider of billing, thereby inhibiting the continued development of a competitive interexchange service marketplace.

Even assuming that harm to the public interest is present, that harm does not outweigh the public interest benefits arising from a grant of this request. As indicated, concerns expressed by the customers of Geetingsville regarding AOS provider charges, carriers' non-recurring charges and credits, and the category of "Other Services" have been minimal. Moreover, Geetingsville anticipates that its experience will not change during the time that the requested waiver is in place.

### **III. Conclusion**

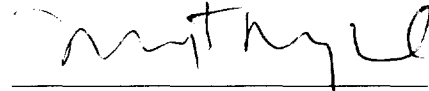
Because Geetingsville is technically incapable of complying with the TIB Requirements by November 12, 1999, a grant of this request until April 1, 2000 should ensure that Geetingsville can implement and successfully test the billing system software upgrades required to implement the TIB Requirements in an efficient manner, while avoiding unnecessary expense or raising additional Year 2000 compliance issues. At the same time, the consumer goals of the TIB Requirements will not be frustrated by a grant of this request. Rather, such goals will be furthered by Geetingsville as it continues to provide customer assistance and responsiveness when questions are received regarding charges from particular carriers.

Accordingly, in the event that action on the USTA Petition and/or the Associations' Petition does not grant the extent of the relief requested herein, Geetingsville requests a waiver of the requirements of 47 C.F.R. §§ 64.2401(a)(2), 64.2401(b), and 64.2401(d) until April 1, 2000.

Respectfully submitted,

**Geetingsville Telephone Company, Inc.**

By



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November 9, 1999

**Declaration of Steven Scott  
General Manager**

I, Steven Scott, General Manager of Geetingsville Telephone Company, Inc. ("Geetingsville"), do hereby declare under penalties of perjury that I have read the foregoing "Petition for Temporary, Limited Waiver" and the information contained therein regarding Geetingsville is true and accurate to the best of my knowledge, information, and belief.

Date 11/9/99

  
\_\_\_\_\_  
Steven Scott  
General Manager

**CERTIFICATE OF SERVICE**

I, Shelley Davis, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, hereby certify that a copy of the foregoing "Petition for Temporary, Limited Waiver" of Geetingsville Telephone Company, Inc. was served on this 9th day of November, 1999 by hand delivery to the following parties:

  
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